

**MINUTES OF PUBLIC MEETING
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD
FOR THE SUPERIOR COURT**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Superior Court was convened Tuesday, November 7, 2017 at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Members Present in Conference Room 109: Kevin Kluge, Chair; Jason Hathcock

Board Members Present by Conference Call: Rob Lubitz, Danna Quinn

Board Members Absent: Mark Smalley

Also Present: Annette Corallo, Board Secretary; Leticia Chavez, Recorder

Call to Order:

Approval of the Minutes:

October 3, 2017 – Public Meeting Minutes

MOTION: A motion to approve the public meeting minutes of the October 3, 2017 meeting was made by Jason Hathcock. Motion was seconded and passed unanimously; minutes stand approved. **CORP 2017-54**

Approval of Rules of Local Board Procedure:

This discussion was tabled at the meeting on October 3, 2017, to allow the full Board to consider the provisions.

Board member Jason Hathcock stated that he felt all members of the Board should be present to discuss and approve the rules. The Chair advised that the Board can modify the rules at any point should any Board members have concerns. The Board agreed to move forward with discussion.

The Board Attorney and Board Secretary followed up with research on the topics requested by the Board at its September 5, 2017 meeting. The items requested and researched are as follows.

C.5.e.ii: The Board Secretary is not currently preparing and retaining a certificate of destruction when electronic recordings are destroyed. The Board Secretary advised that the Board's Records Retention Schedule states that electronic recordings are destroyed three months after a meeting and after minutes are transcribed or summarized and approved. The Board Attorney stated the Board could choose to consider the Judiciary policy regarding destruction of electronic records.

The Chair requested that staff further research this provision and bring it back to the Board for review.

Research: Jennifer Green, a legal officer and designated lead for the AOC on public records retention, advised that “Our policy permits destroying an audio recording of a meeting after minutes are approved, we don’t have the additional step of a certificate of destruction. I think the important thing is to have the record of the meeting in the approved minutes, the recording is just an aid for whoever has to draft the minutes. I don’t see a reason to have a certificate of destruction.” The Board Attorney advised that if the Board decides not to use the certificate to be consistent with the Judiciary policy and practice, she does not see a problem with that approach because the CORP statutes do not discuss destroying recordings, certificates of destruction, or the like. She recommended that the Board state its reasoning on the record (and in the minutes) for using the certificate of destruction, or not using it.

D.1 and 2: Unlike as stated in the revised Model Rules, this Board does not contract directly with a designated physician; however, the departments under this Board’s jurisdiction do comply with this rule. The Chair requested that staff revise the language in this provision to match with the current policy language regarding pre-existing physical exams.

Research: Staff recommended the following modified language for the text of this rule:

D. Pre-Membership Physical

At the September meeting, staff recommended text modification as follows:

1. Examination. Pursuant to A.R.S. §38-884, the Local Board DIRECTS THAT EACH COUNTY PROBATION DEPARTMENT shall contract with a designated physician or a physician working in a clinic TO CONDUCT PHYSICAL EXAMINATIONS OF ITS PROBATION, SURVEILLANCE AND DETENTION OFFICERS WHO ARE IN CORP DESIGNATED POSITIONS ~~that is appointed by the Local Board or, in the case of a state correctional officer who is employed by the state department of corrections, complete a physical examination pursuant to A.R.S. § 41-1822, subsection B.~~ For the purposes of subsection B, the designated physician or a physician working in a clinic that is appointed by the ~~Local Board~~ COUNTY PROBATION DEPARTMENT may be the ~~employer’s~~ DEPARTMENT’S regular employee or contractor.

2. Appointment. ~~The Employer (or the Employee’s department, or the Secretary)~~ EACH COUNTY PROBATION DEPARTMENT shall coordinate appointments for the Employee’s Pre-Membership Physical.

The Board Secretary stated that the Board should be aware, and may want to discuss, that the language in the Model Rules stating the “Local Board” shall contract for the physical examinations is taken directly from statute. A copy of A.R.S. §38-884.A & B was provided for reference. She further stated that the Board Attorney suggested leaving the language in the Model Rule intact, since it comes from statute, and adopting a policy statement that the Board directs compliance through local departments contracting and arranging for physical exams in a local facility.

G.1.c.: The Revised Model Rules would allow the Chair to direct a Subcommittee of the two elected members of the Board to review a list of Members receiving disability benefits and report the Subcommittee's recommendations regarding medical evaluations of such members to the Local Board. Since this Board only has two elected members the Chair asked if the language in this provision should be revised. The Board Attorney stated that she would further review and advise the Board if they could revise the language to include "two members" rather than "two elected members." The Board Secretary added that the Board is not required by statute to have a subcommittee. Board Member Rob Lubitz added that the Board could adopt the provision as is but would still have the opportunity to revise the rules at any time.

The Board Attorney advised that there is nothing in the statutes that limits the Local Board's ability to appoint any two members of the Local Board to review the list of members receiving disability benefits. Although the Model Uniform Rule specifies that the Chair can direct the two elected Board members to sit on this review subcommittee, the Chair could designate any two Board members to conduct the review and report recommendations for medical evaluations back to the Local Board.

The Board Secretary advised that a complete set of the rules adopted by the Board at this and the September 2017 meeting will be provided at the December 2017 meeting for the Board to review.

MOTION: A motion that the Board adopt the following modifications to the Model Uniform Rules of Local Board Procedure (dated November 16, 2016) for its own Local Board rules, pursuant to the Board's authority under A.R.S. §38-893.F, as follows was made by Jason Hathcock.

Rule C.5.e.ii: Remove this section from the Local Board's rules and modify the text of C.5.e accordingly to read: "The Secretary shall cause appropriate Minutes to be taken of Local Board Meetings, and an electronic recording may be made of Meetings to facilitate preparation of such Minutes. Such electronic recording will be maintained at least until Minutes have been transcribed and approved by the Local Board." The Board chooses not to use certificates of destruction of recordings to be consistent with Judiciary policy, which does not require the use of destruction certificates, and the Board is advised that statute does not require the use of certificates.

Rules D.1 and 2: Adopt the text of the Model Rules and a policy statement that the Board directs compliance with A.R.S. §38-884 by mandating that individual county departments contract for and coordinate pre-employment physicals of its employees.

Rule G.1.c.: Adopt the text of the Model Rule with the omission of the word "elected" from the rule.

Motion was seconded and passed unanimously. **CORP 2017-55**

Review of Contract for Attorney Services:

The current contract extension with Grasso Law Firm to provide professional legal services to the Board ends on January 31, 2018.

The Board has the option of extending the contract with Grasso Law Firm or soliciting new bids for legal services. The Board last solicited bids in late 2013, before selecting Grasso Law Firm and entering the current contract. The contract term has already been extended once, from February 1, 2016 to January 31, 2018. The contract does not limit the number of extensions that can be executed. The last contract, with Carson Messinger, was extended twice past its original term.

The current contract rate is \$225.00 per hour for attorney services. Grasso has indicated that they would like to increase the contract rate to \$250.00 per hour for attorney services.

MOTION: A motion to instruct the Board Secretary to solicit written bids for legal counsel for the Board, to allow negotiation of a contract beginning February 1, 2018, and ending January 31, 2020, was made by Rob Lubitz. Motion was seconded and passed unanimously. CORP 2017-56

Approval of 2018 Meeting Dates:

Meeting dates for 2018 were proposed for the Board's approval. All meetings are scheduled to begin at 10:00 a.m.

January 9	Tuesday
February 6	Tuesday
March 6	Tuesday
April 3	Tuesday
May 8	Tuesday
June 5	Tuesday
July 10	Tuesday
August 7	Tuesday
September 4	Tuesday
October 9	Tuesday
November 6	Tuesday
December 4	Tuesday

MOTION: A motion to approve the proposed Board meeting dates for 2018 was made by Danna Quinn. Motion was seconded and passed unanimously. CORP 2017-57

Approval of Normal Retirement Benefits:

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts, effective November 1, 2017, except as indicated was made by Jason Hathcock. Motion was seconded and passed unanimously. CORP 2017-58

Fernando C. Alvarez:	\$2,390.95
Fred R. Dangler:	\$2,088.97
Robert S. Davis:	\$2,499.01
Kathleen A. Hansen:	\$4,189.52; Reverse DROP Estimate: \$102,336.94
Kimberly A. Hart:	\$2,277.92

Francis C. Okoli:	\$2,255.66
Joseph E. Prentice:	\$905.94, effective October 1, 2017
Karen D. Smith:	\$739.49

Acknowledgement of CORP Physical Exam Pre-Existing Conditions:

The Chair noted, for the record, that the physical examination report for member Paul Gonzalez identified one or more pre-existing conditions.

Acknowledgement of CORP Physical Exam Final Letters:

The Chair noted, for the record, that physical examination reports for Fred Leahy, William Schoolcraft and Judith Tapia were not received within 60 days of receipt of their membership applications and that final letters requesting an examination were sent to these members via certified mail on October 30, 2017.

Approval of Membership:

The Local Board may consider and vote on the approval of the following requests for membership or defer decision to a later date:

Boehler, Kiley	Pima	9/11/2017
Despain, David	Maricopa	10/2/2017
Farrier, Rachael	Coconino	9/11/2017
Galvez, Amayrani	Mohave	9/18/2017
Leahy, Fred	Yavapai	5/21/2017
Lerma, Gerardo	Santa Cruz	8/28/2017
Maxey, Caty	Yavapai	8/21/2017
Peterson, Sam	Maricopa	9/25/2017
Ruschak, Lisa	Maricopa	10/2/2017
Schoolcraft, William	Gila	5/15/2017
Silva, Carolina	Maricopa	10/9/2017
Smith, Kyle	Pima	9/11/2017
Stutz, Danielle	Maricopa	9/25/2017
Tapia, Judith	Pima	5/28/2017
Webb, Ashley	Maricopa	8/28/2017

The Board adopted a new rule provision at its September meeting that changed the timing of when the Board advises officers that one or more pre-existing conditions have been noted in their physical exam report. With staff implementing that change this month, there are no officers with pre-existing conditions on this month's approval list. Instead, those officers will receive letters advising them of the noted condition(s) and advising them that they have 30 days to submit comments or additional information to the Board. Their names will appear on a future Board agenda for approval.

MOTION: A motion to approve the 15 applicants listed on the agenda for this meeting for membership in CORP pursuant to A.R.S. §38-893. D was made by Danna Quinn. Motion was seconded and passed unanimously. CORP 2017-59

Future Agenda Items:

The Board Secretary advised that the Board will hear disability cases for Applicant #17-01, Bradley Martin, and Applicant #11-01, Annette Lemond, at its January 2018 meeting.

The Board Secretary also advised that the IME for Disability Applicant #17-02, Paul Munoz, will be scheduled once all medical records have been received.

The Board Secretary also added that the annual review for Disability Applicant #16-01, Monique Usher, will be delayed to the January 2018 meeting.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:21 a.m.

Transcribed November 7, 2017